

PART 2
DEFINITIONS

SECTION 201 GENERAL

Unless otherwise expressly stated, the following terms shall, for the purpose of this Ordinance, have the meaning indicated below.

SECTION 202 GENERAL TERMS

The definitions contained in Section 107 of the Pennsylvania Municipalities Planning Code as it currently exists and as it may be hereinafter changed, are adopted herein by reference, unless they are specifically herein changed.

Unless a contrary interpretation is clearly required because of a clearly nonsensical or illogical conclusion, words used in the singular include the plural, and words used in the plural include the singular. The word "person" indicates corporation, an unincorporated association, a partnership, limited liability companies, limited liability partnerships and joint ventures or any other entity, as well as an individual. The word "may" is permissive; the words "shall" and "will" are mandatory. Words not defined in the Pennsylvania Municipalities Planning Code or herein shall be defined as they may appear in other Township Ordinances, according to the definitions contained in those Ordinances, with a preference given to the definitions contained in the Code of Zoning Ordinances of the Township of Clay, and The Clay Township Stormwater Management Code. Words not otherwise defined shall have the meanings customarily assigned to them.

SECTION 203 SPECIFIC TERMS

Other terms or words used herein shall be interpreted or defined as follows:

Access Drive. A private drive providing pedestrian and vehicular access between a public or private street and parking compound on a single lot or the private streets within a Mobile Home Park.

Active Open Space. Outdoor recreational land that is used for activities pertaining to games or sports, and is in the form of a playcourt (e.g. tennis court, shuffleboard court) or playfield (e.g. softball field, soccer field).

Agricultural Building (Farm Building). A building or structure for farm, agricultural or horticultural use, including, but not limited to, barns, poultry houses, corn cribs, silos,

implement sheds and other similar farm structures, but not including a building containing a dwelling unit or an intensive agricultural production facility.

Agricultural Land. Land used exclusively for the cultivation of the soil, the production of crops or livestock, or the science of forestry; also, land diverted from agricultural use by an active Federal Farm Program, provided the diverted land has a conservation cover of grass, legume, trees, or wildlife shrubs. Agricultural land may include, to a minor degree, farmsteads inhabited by the cultivator of the land and land used for preparation of agricultural products by the cultivator of the land.

Agricultural Use/Structure. A use or structure pertaining to, or dealing with agriculture. A use or structure which is a direct result of husbandry or the cultivation of soil. A use or structure that directly involves the actual application of the art or science of cultivating the ground, including the harvesting of crops, the science or art of production of plants and animals used by man.

Alley. See Service Street (Alley).

Alluvial Soils. Soils formed from materials such as gravel, sand, or silt deposited by a stream of water and showing little or no modification of the original materials by soil forming processes. These soils may be identified by the Soil Survey of Lancaster County, Pennsylvania, or through an on-site analysis.

Applicant. A landowner or developer, as defined in the MPC, who has filed an application for subdivision and or development including its/his heirs and assigns.

Authority. The Ephrata Area Joint Authority or other body politic and corporate created pursuant to the Act of May 2, 1945 (P.L.382, No.164), known as the "Municipality Authorities Act of 1945."

Block. A tract of land which is entirely bounded by streets, public parks, cemeteries, railroads and/or watercourses.

Board. The Board of Supervisors of Clay Township.

Building. A structure which is enclosed within by exterior walls or fire walls, which is built, erected, or framed of component structural parts, which is designed for housing, shelter, enclosure or support of individuals, animals or property of any kind.

- A. Building Accessory. A detached, subordinate building, the use of which is customarily incidental and subordinate to that of the principal building, which is located on the same lot as that occupied by the principal building.
- B. Building, Principal. A building in which is conducted the principal use of the land on which it is situated.

Building line. A line formed by the intersection of a horizontal plane and vertical plane that coincide with the exterior surface of the building on any side. The vertical plane will coincide with the most projected surface. All yard requirements are measured to the building line.

Building Setback Line. A line within a lot, designated on a plan as the minimum required distance between any structure and the property line or the ultimate right-of-way line.

Cartway. The surface of a street, driveway or alley available for vehicular traffic.

Capacity – Traffic. The maximum number of vehicles that can be expected to pass over a given section of roadway or on a specific lane.

Civic Art. The vertical infrastructure of a Compact Neighborhood Development comprised of features such as pavilions, pergolas, benches, sculpture gardens, fountains, monuments and the like.

Civic Use. A meeting hall, community center, mail facility, library or other like type place that is a community facility within a Compact Neighborhood Development.

Clear Sight Triangle. An area of unobstructed vision at a street intersection, reserved by easement if required by the Township, defined by a line of sight between points at a given distance from the intersection of the street centerlines.

Code of Regulations. Governing regulations which are adopted pursuant to the Pennsylvania Uniform Condominium Act, as amended, or other applicable laws of the Commonwealth for the regulation and management of property, including such amendments thereof as may be adopted from time to time.

Commission. The Clay Township Planning Commission.

Common Driveway. A private driveway utilized by two (2) or more separate residential lots or units of occupancy for access to a public or private street.

Compact Neighborhood Development. A form of land development in accordance with Section 542 of the Zoning Ordinance with residential units and open space. Compact neighborhood development is oriented toward pedestrian activity, has land conserving lot sizes, civic uses, civic art, greens and other pedestrian amenities.

Compact Neighborhood Development Open Space. In accordance with Section 542 of the Zoning Ordinance, and as used in the context of Compact Neighborhood Development, a parcel or parcels of land (which can be used in combination with an area of water) designed and intended for the use or enjoyment of residents, not including streets and parking areas. The open space shall consist of active and passive open space and recreational areas, as well as areas for natural resource conservation,

which may include greens, parks, squares, plazas, green courts, pocket parks, walkways and earthen stormwater management facilities.

Comprehensive Plan. The official public document prepared in accordance with the Pennsylvania Municipalities Planning Code, Act 247 of 1968, as reenacted and amended by Act 170 of 1988 and as subsequently amended, consisting of maps, charts and textual material, that constitutes a policy guide to decisions about the physical and social development of Clay Township.

Condominium. Real estate, portions of which are designated for separate ownership and the remainder of which is designated for common ownership solely by the owners of those portions. Real estate is not a condominium, unless the undivided interests in the common elements are vested in the unit owners.

Declaration. The instrument by which the owner of property submits it to the provisions of the Pennsylvania Uniform Condominium Act, as amended, or other applicable laws of the Commonwealth.

Declaration Plan. A survey of property prepared in accordance with this Ordinance and the Pennsylvania Uniform Condominium Act, as amended, or other applicable laws of the Commonwealth.

Dedication. The deliberate appropriation of land by its owner for general public use.

Deed. A written instrument whereby an estate in real property is conveyed. Deed may also include any right of way, easement or restrictive covenant.

Deed Restrictions. A restriction upon the use of a property placed in a deed or other instrument; a restrictive covenant.

Deferral. See Modification.

Density. The number of dwelling units per acre, exclusive of street right-of-way and remaining unplanned lands.

Detention Basin. An impoundment structure designed to manage storm water runoff by temporarily storing the runoff and releasing it at a predetermined rate.

Double Frontage Lot. A lot with generally parallel front and rear street frontage.

Drainage Easement. A right granted by a landowner to a grantee, allowing the use of private land for storm water management purposes.

Driveway. A private access way providing pedestrian and vehicular access between a public or private street and a parking area for a single residential unit of occupancy.

Easement. A right-of-way granted for limited use of private land for a public or quasi,- public or private purpose, and within which the owner of the property shall not have the right to make use of the' land in a manner that violates the right of the grantee.

Elevation. The horizontal alignment of a surface, as it exists or as it is made by cut and/or fill.

A. Finished Floor Grade. The first level elevation established for a particular building.

B. Road Grade. The rate of rise and fall or a road surface, measured along the profile of the center of the cartway.

Engineer, Registered. An individual licensed and registered as a Professional Engineer by the Commonwealth of Pennsylvania.

Engineer, Township. The Township Engineer or any consultant designed by the Board of Supervisors to review a subdivision or land development plan and perform the duties of engineer on behalf of the Township.

Farm. A parcel of land, containing at least (25) twenty-five acres which is used for economic gain primarily in terms of land cultivation, livestock, poultry, or dairy operation, or which is otherwise used for agricultural or horticultural use.

Floodplain Area. A relatively flat or low land area which is subject to partial or complete inundation from an adjoining or nearby stream, river or watercourse; and/or any area subject to the unusual and rapid accumulation of surface waters from any source.

Floodproofing. Floodproofing is currently defined as any combination of structural and/or non-structural. provisions, additions, changes or adjustments to structures or contents which are designed or adapted primarily to reduce or eliminate flood damage to those structure or contents.

Greens. As used in the context of Compact Neighborhood Development, a plaza, square, courtyard, pocket park, tot lot, playground, walkway, promenade, lawn area, or other outdoor space of common areas in which features such as benches, gazebos, pergolas, trellises, planters, plantings, lighting, sculpture, and the like, are installed and maintained, and in which public seating, outdoor dining, and the like, takes place.

Gross Acreage. the total land area of the property including any existing street rights-of-way, easements, etc.

Gross Base Density. the total number of dwelling units derived by multiplying the gross acres of a tract, by the maximum number of dwelling units per gross acre that is permitted.

Historic Feature. Any building, site, structure, object district, or area that meets one or more of the following criteria:

- A. Is listed or may be determined to be eligible to be listed on the National Register of Historic Places either individually or as a contributing resource.
- B. Is listed on the Lancaster County Historic Sites Survey or on any officially adopted municipal inventory of historic resources and is determined by a qualified historic preservation professional to retain the historic characteristics that qualified it for said list.
- C. Is determined by a qualified historic preservation professional to be historically or architecturally significant.

Historic Preservation Professional. An individual who meets The Secretary of the Interior's Professional Qualification Standards, as defined in the Code of Federal Regulations, 36 CFR Part 61

Impervious Surface. Impervious surfaces are those surfaces which do not absorb water. All structures, buildings, parking areas, driveways, roads, sidewalks and any areas of concrete, asphalt or packed stone shall be considered impervious surface. In addition, all other areas as determined by the Township Engineer to be impervious within the meaning of this definition shall also be considered impervious surface.

Improvement Construction Assurance. The procedures, specified in Article V of the MPC, by which a developer assures the construction of improvements repaired by this Ordinance.

Improvements. Physical changes to the Land, including but not limited to, grading, paving, curbs, gutters, storm sewers, and drains, improvements to existing watercourses, sidewalks, street signs, monuments, water supply facilities, and sewage disposal facilities, erection of structures and buildings or additions thereto.

Lancaster County Planning Commission (LCPC). That agency designated by Lancaster County to administer and implement, on behalf of Lancaster County, those functions as set forth in Article II of the Pennsylvania Municipalities Planning Code.

Land Development. Land development is defined to include any of the following activities:

- A. The improvement of one lot or two or more contiguous lots, tracts or parcels of land for any purpose involving:
 - 1. A group of two or more residential or nonresidential buildings, whether proposes initially or cumulatively, or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure; or

2. The division or allocation of land or space, whether initially or cumulatively, between or among two or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominium, building groups or other features.

B. A subdivision of land.

C. Development in accordance with Section 503 (1.1) of the Pennsylvania Municipalities Planning Code.

Landscape Architect. A landscape architect registered by the Commonwealth of Pennsylvania.

Level of Service. A measure of the effect of traffic on the capacity of a road.

Lot. A designated parcel, tract or area of land established by a plat or as otherwise permitted by law and to be used, developed or built upon as a unit. The area width and depth of the lot shall be measured to the ultimate right-of-way line of the street, alley or Greens. Adjacent separately plotted tracts on the same deed shall be considered as one unsubdivided lot.

Lot Area. The area contained within the property lines of the individual parcel of land. The area of a lot shall be measured to the ultimate right-of-way line of the street.

Lot Depth. The depth of the lot, measured from the ultimate street right of way to the rear lot line.

Lot Frontage. That side of a lot abutting on a street right-of-way, alley or Greens, and regarded as the front of a lot. On a corner lot, the side of the lot with the front door shall be considered to be the front.

Lot Line Marker. A metal plate or pin used to identify lot line intersections.

Lot Width. The length of a straight line measured at the front building setback line running substantially parallel to the front lot line the length of the lot.

Modification. A process for alleviating specific requirements imposed by this Ordinance pursuant to Sections 503(8) and 512.1 of the Pennsylvania Municipalities Planning Code, Act 247 of 1968, reenacted and amended by Act 170 of 1988, and as subsequently amended. This process may occur in one of three forms, as follows:

A. Deferral. An approval by the Board of Supervisors to delay the time frame in which to comply with one or more regulations of this Ordinance.

B. Modification. The granting of a modification to one or more of the regulations of this Ordinance, which in the opinion of the Board of Supervisors will not be

detrimental to the general welfare, impair the intent of those regulations or conflict with the Comprehensive Plan.

- C. Waiver. The granting of an exception to the requirement to comply with one or more of the regulations of this Ordinance which in the opinion of the Board of Supervisors will not be detrimental to the general welfare, impair the intent of those regulations or conflict with the Comprehensive Plan.

Monument. A concrete or stone monument used to identify street line intersections.
MPC (PMPC). Act 247 of 1968, 53 P.S. § 10101-11202, as amended.

Official Map. A map adopted by ordinance pursuant to the Pennsylvania Municipalities Planning Code and recorded in the office of the Lancaster County Recorder of Deeds.

One Way Lane. As used in the context of Compact Neighborhood Development, a street type that offers a one-way thoroughfare around Greens or as a roundabout.

On-Street Parking. Parking that is adjoining the curb line of a street.

Ordinance. Subdivision and Land Development Ordinance of the Township of Clay.

Other Provisions. All other laws, regulations, legislation's, ordinances, controls, conditions and provisions of Township, County, State, Federal or other governmental entities or instrumentality's (including, but not limited by enumeration to authorities, boards, commissions, committees, agencies, appellate courts of record, etc.) which are or may be applicable to the use, building or structure or any activity or happening relating thereto, affecting same or affected thereby.

Parking Area. A parking facility utilized for the parking of vehicles for farm principal use or single residential unit of occupancy.

Parking Compound. A parking facility utilized for the parking of three (3) or more vehicles for any single principal use other than a farm or a single residential unit of occupancy.

Parking Facility. An area utilized for the parking of vehicles, including a parking area, or a parking compound.

Passive Open Space. Outdoor recreational land that is used for activities such as picnicking, walking, nature study, nature photography, and natural resource conservation.

Peak Hour. The hours during which the heaviest volume of traffic occurs on a road on any given day.

Pedestrian Easement. A right-of-way, publicly or privately owned, intended for pedestrian traffic.

PaDEP. The Pennsylvania Department of Environmental Protection, former entity the Pennsylvania Department of Environmental Resources, or any agency successor to the Pennsylvania Department of Environmental Protection [Note: The Department of Environmental Resources was abolished by Act 18 of 1995].

Penn DOT. The Pennsylvania Department of Transportation or any agency successor thereto.

Performance Guarantee. Any security, in accordance with Article V of the MPC, which may be accepted in-lieu-of a requirement that certain improvements be made prior to Final Plan Approval.

Plan.

- A. As-Built Survey and Plan. A record survey and plan, including but not limited to performing a survey upon completion of the construction of improvements within or adjacent to a development site for the purpose of verifying compliance with the approved Storm Water Management Plan, including topographic survey of final land contouring, storm sewer facility locations and pipe grades, and related facilities. As part of the As-Built Survey and Plan, the developer shall be responsible for verifying the adequacy of all Stormwater facilities by submitting hydraulic and hydrologic calculations, as necessary, to confirm compliance with the approved design and Plan. All plans and calculations must include the seal, date and signature of the qualified registered professional(s) responsible for the As-Built Survey and Plan and calculations.
- B. Centerline Separation Plan (Natural Subdivision). A complete and exact subdivision plan which creates two (2) lots by using a street centerline as the common boundary, and which meets the criteria specified in Section 309 of this Ordinance
- C. Final Plan. A complete and exact subdivision and/or land development plan, including all supplementary data specified in Section 403 of this Ordinance.
- D. Improvement Construction Plan. A complete and exact subdivision and/or land development plan, prepared in accordance with Parts 3 and 4 of this Ordinance, the sole purpose of which is to permit the construction of only those improvements required by this Ordinance, as an alternative to guaranteeing the completion of those improvements by a corporate bond or other surety.
- E. Lot Add-On Plan. A complete and exact subdivision plan including all supplementary data specified in Section 404 of this Ordinance. The sole purpose of which is to increase or decrease lot area of an existing lot or tract.

- F. Minor Land Development Plan. A complete and exact land development plan which meets one of the thresholds specified in Section 309 310 of this Ordinance and is designed in accordance with the requirements of Section 403.
- G. Preliminary Plan. A subdivision and/or land development plan including all required supplementary data specified in Section 402 of this Ordinance, showing approximate locations.
- H. Record Plan. A Final Plan which contains the original endorsement of the local municipality and the Lancaster County Planning Commission which is intended to be recorded with the Lancaster County Recorder of Deeds.
- I. Sketch Plan. An informal plan indicating salient existing features of tract and the general layout of a proposed subdivision or land development. A Sketch Plan is not intended for formal review and/or approval it is not necessarily to exact scale and indicates merely the surroundings of the tract, the general layout of the proposal and is prepared in accordance with Section 401 of this Ordinance. A Sketch Plan shall not be considered a Plan submitted for approval of plans under Section 508 of the Pennsylvania Municipalities Planning Code. It shall in no event be considered in lieu of required approvals relating to Preliminary or Final plans.

Porch. As used in the context of Compact Neighborhood Development, an unenclosed extension of a building no smaller than five (5) feet deep by ten (10) feet wide.

Prime Open Space. Land which does not contain any of the following:

- A. Slopes in excess of eight percent (8%).
- B. Wetlands.
- C. One hundred year floodplain.
- D. Stormwater management facilities (e.g. retention or detention basins, etc.).

Property Line. A recorded boundary of a lot.

Retention Basin. A reservoir designed to retain stormwater runoff with its primary release of water being through the infiltration of said water into the ground.

Reverse Frontage Lot. A lot with front and rear street frontage where vehicular access is prohibited to and from the higher intensity street.

Right-Of-Way (ultimate street right-of-way). The greater of (1) the full space area dedicated to public uses of thoroughfare, road or street; (2) the ultimate right-of-way

provided by Deed or legal easement; or (3) the ultimate street right-of-way based on the functional classification as follows:

- A. Principal and Minor Arterials. A street which provides for intercommunity travel, connecting population centers and carrying large volumes of traffic at speeds higher than desirable on collector local or other streets.
- B. Major Collector. A street which provides access to an industrial, agricultural support, or commercial land use, serves as a main entrance to these types of development, and/or intercepts arterial streets.
- C. Minor Collector. A street which provides access to residential and agricultural use, serves as the main entrance or circulation street in any development, and/or intercepts local streets to provide a route to community facilities and/or other collector streets.
- D. Local Street. A street used primarily to provide access to abutting residential or institutional land uses.
- E. Marginal Access Street. A minor street one side of which is parallel and in close proximity to a major street and the other side of which provides access to abutting properties.
- F. Service Street (Alley). A strip of land over which there is a publicity or privately owned right-of-way, and on which no parcel fronts, which provides a means of access for two (2) or more properties.
- G. Single-Access Alley. As used in the context of Compact Neighborhood Development, an alley that has only one connection to a street at one end, and terminates at the other end in a turnaround area.
- H. Special Purpose Street. (1) A marginal access street, (2) a service street or (3) a cul-de-sac street which serves only residential units and has a maximum length of three hundred (300) feet and maximum of eight (8) units of occupancy.

Runoff. Any part of precipitation that flows over the land surface.

Screening. The maintenance of a structure or natural condition that blocks the view from other lots or structures so as to prevent the use on any particular property from being seen from adjoining lots or structures.

Sedimentation. The process by which mineral or organic matter is accumulated or deposited by the movement of water.

Sight Distance. The length of road visible to the driver of a passenger vehicle at any given point in the road when viewing is unobstructed by traffic.

Soil Survey Report. The most recent edition of the Soil Survey of Lancaster County, Pennsylvania, published by the US Department of Agriculture, Soil Conservation Service, or successor agency.

Storm Water Management Data. A plan showing all present and proposed grades and faculties for stormwater management designed in accordance with the Clay Township Stormwater Management Code.

Stormwater Management Code. The Clay Township Stormwater Management Code, as amended.

Street. A strip of land, including the entire right-of-way, utilized as a means of vehicular and pedestrian travel by more than one (1) lot or parking compound. Street includes avenue, boulevard, road, highway, freeway, parkway, lane, alley, viaduct and any other ways used or intended to be used by vehicular traffic or pedestrians whether public or private; however, street shall not include driveway, common driveway, or access drive as defined herein.

Street, Private. A street not offered for dedication or whose dedication was not accepted by the municipality.

Street Wall. As used in the context of Compact Neighborhood Development, the wall created by buildings located close to a street right-of-way; or architectural and landscape architectural elements such as walls, pillars, piers, colonnades, arcades and fences in lieu of a building wall when an existing building is already set back from the street wall line. Street trees and hedges may be considered as street wall elements when in combination with walls, pillars, piers and fences.

Streetscape. The space formed by buildings located close to or adjoining the street, which is embellished with sidewalks, street trees, street lights, curbs, on-street parking and cartways. The streetscape is framed by buildings which create the “outdoor room” character of a Compact Neighborhood Development.

Supervisors. The Board of Supervisors of Clay Township.

Surveyor. A land surveyor registered in the Commonwealth of Pennsylvania.

Swale. A natural or man-made drainageway shaped to required dimension and vegetated to safely gather and convey surface water runoff.

Trip. A single or one-directional vehicle movement.

Unit Of Occupancy. A unit within a structure independent of other units.

Urban or Village Growth Boundary. An adopted boundary around an urban or village center that establishes areas appropriate for growth (inside the boundary) and areas where growth is discouraged (outside the boundary).

Waiver. See Modification.

Watercourse. A permanent or intermittent stream, river, brook, creek, channel or swale, whether natural or man-made, for gathering or carrying surface water and which is measured by the width of the channel during average annual high water, or design flow.

Watershed. The entire region or area drained by a watercourse.

Wetlands. Areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions, including swamps, marshes, bogs, and similar areas.

Zoning Ordinance. The Code of Zoning Ordinances of the Township of Clay, as amended.